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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,970	11/29/2000	Amr F. Yassin	US000339	8970

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,970

Applicant(s)

YASSIN ET AL.

Examiner

Gregory J. Vaughn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1, 4 & 7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Application History***

1. This action is responsive to the application filing, Application filed on 11/29/2000.
2. Claims 1-14 are pending in the case, claims 1, 13 and 14 are independent claims.

### ***Drawings***

3. Four sheets of formal drawings were received on 2/22/2001. These drawings are acceptable for examination purposes.

### ***Specification***

4. The use of the following trademarks has been noted in this application:
  - "W3C" on page 1, line 26; page 2, line 10.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

5. The disclosure is objected to because it contains the following embedded hyperlinks and/or other form of browser-executable code:
  - "[www.w3.org/TR/REC-xml](http://www.w3.org/TR/REC-xml)" on page 1, line 27.

- "[www.w3.org/TR/1998/REC-DOM-Level-1-19981001](http://www.w3.org/TR/1998/REC-DOM-Level-1-19981001)" on page 1, line 27.
- "[www.megginson.com/SAX/sax.html](http://www.megginson.com/SAX/sax.html)" on page 1, line 27.

Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
*"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."*
7. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. The term "*substantial*" in claim 12 is a relative term, which renders the claim indefinite. The term "*substantial*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
9. The term "*increasing complexity*" in claim 12 is a relative term, which renders the claim indefinite. The term "*increasing complexity*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

11. Claims 1-7, 9 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrel et al. US Patent 6,584,480 (filed 10/30/2000, patented 6/24/2003). "*Ferrel et al.*" is hereafter referred to as "*Ferrel*".
12. **In regard to independent claim 1**, the first limitation of the claim is directed toward parsing a mark-up language document, where the parser is based upon a designated subset of a complete markup language grammar. Ferrel recites: "*tagged in a newly designed markup language termed herein as the Multimedia Publishing Markup Language (MPML). MPML is a version of the HTML 2.0 with additional extensions for supporting more detailed tagging of structure as well as embedded OLE objects*" (column 3, lines 63-67).

The second limitation of the claim is directed toward a result of the parsing to control operation of the processing device. Ferrel recites: "*The actual process of*

*parsing the content is discussed in more detail below in reference to FIG. 14. However, the parsing process that takes place at state 590 converts the MDF file into a parsed content tree having a single root with multiple nodes and branches"* (column 24, lines 40-44).

13. **In regard to dependent claim 2**, the claim is directed toward a scalable parser that can implement a plurality of different subsets of the complete markup language grammar. Ferrel recites: *"The high level object parser, called the document type descriptor (DTD) manager understands the descriptions of tags in the text. It responds to events generated by the low-level parser and actually creates the parse tree. The high-level object also provides information to the low-level parser about tags defined by the DTD manager"* (column 31, lines 32-37).
14. **In regard to dependent claim 3**, the claim is directed toward a micro or macro parser. Ferrel recites: *"The first object is a low-level SGML parser which is a recursive decent parser which reads tagged content and generates events"* (column 30, lines 9-11) and *"Input characters not listed for each state have no effect on the current state and cause no events to be generated to the high-level parser"* (column 30, lines 25-27).
15. **In regard to dependent claim 4**, the claim is directed toward the macro parser implements a superset of the grammar of the micro parser. Ferrel recites: *"The high level object parser, called the document type descriptor (DTD) manager understands the descriptions of tags in the text. It responds to events generated by the low-level*

*parser and actually creates the parse tree. The high-level object also provides information to the low-level parser about tags defined by the DTD manager” (column 31, lines 32-37).*

16. **In regard to dependent claim 5**, the claim is directed toward presenting information to a user. Ferrel discloses presenting information to a user in Figure 6.
17. **In regard to dependent claims 6 and 7**, the claims are directed toward presented information having visual characteristics (claim 6) and audio characteristics. Ferrel discloses in Figure 2, a multimedia publishing system at reference sign 102, with sound (reference sign 190) and images (reference sign 192).
18. **In regard to dependent claim 9**, the claim is directed toward the processing device being a personal digital assistant. Ferrel recites: *“In addition, the MP system is device independent in that the tagged content can be displayed with high quality on many different devices. For example, a content provider can create a title just once, but the title can be viewed on a VGA screen with one column, a printer with many columns, a small screen personal digital assistant (PDA), an interactive television (ITV) system, a fax machine, or a notebook computer. Different styles can be applied to each of these devices so that the displayed content is formatted appropriately” (column 36, line 65 to column 37, line5).*
19. **In regard to dependent claim 11**, the claim is directed toward specific list of mark-up language grammar elements. Ferrel discloses the use of one or more of

these elements in the code definitions provided in column 22, lines 55-67; or the code samples provided in column 30, line 28 to column 31, line 29.

20. **In regard to dependent claim 12**, the claim contains substantially the same subject matter as claim 3, and is rejected with the same rational.
21. **In regard to dependent claims 13 and 14**, the claims contain substantially the same subject matter as claim 1, and are rejected with the same rational.

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."*

23. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel.
24. **In regard to dependent claims 8 and 10**, the claim is directed toward the processing device being a wireless telephone (claim 8) or a remote control (claim 10). Ferrel discloses a variety of processing devices as described above. Ferrel fails to disclose a wireless phone or a remote control. However, Ferrel discloses a personal digital assistant, which is a common and well-known wireless device. A



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wireless telephone and a remote control are also common and well-known wireless devices.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to expand the wireless capabilities of Ferrel to include phones and remote controls in order to allow *"content providers to offer rich, interactive multimedia applications and services, providing users a compelling and exciting on-line experience"* (Ferrel, column 6, lines 20-22).

### **Conclusion**

25. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent</u>	<u>Date</u>	<u>Inventor</u>
• US-5,572,625	11-1996	Raman et al.
• US-6,230,173	05-2001	Ferrel et al.
• US-6,359,633	03-2002	Balasubramaniam et al.
• US-6,446,110	09-2002	Lecton et al.
• US-6,507,857	01-2003	Yalcinalp, L. Umit
• US-6,535,896	03-2003	Britton et al.
• US-6,665,860	12-2003	DeSantis et al.
• US-2003/0121000	06-2003	COOPER et al.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached at (703) 308-5186. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
March 4, 2004

  
**STEPHEN S. HONG**  
**PRIMARY EXAMINER**